

RECEIVED

Paul Hudson
Chairman

Julie Parsley
Commissioner

Barry T. Smitherman
Commissioner

W. Lane Lanford
Executive Director

FEB - 9 2006
Federal Communications Commission
Office of the Secretary



2006 FEB - 1 PM 1:24

RECEIVED
PLANTS SECTION

Public Utility Commission of Texas

Marlene H. Dortch - Secretary
Federal Communications Commission
445 Twelfth Street, S.W. - TWA 325
Washington, D.C. 20554

Irene Flannery - Vice-President of High Cost and Low Income Divisions
Universal Service Administrative Company
2000 L. Street, NW - Suite 200
Washington, D.C. 20036

February 1, 2006

RE: Federal-State Joint Board on Universal Service, CC Docket No. 96-45

TPUC Project No. 25787 - FCC Letters Regarding ETC Designation Pursuant to FTA '96 §214(e) (2)

TPUC Docket No. 32087 - Application of Plateau Telecommunications, Inc. (TX RSA 3 Limited Partnership) for Designation as an Eligible Telecommunications Carrier

ETC Designation of Plateau Telecommunications, Inc. (TX RSA 3 Limited Partnership)

Pursuant to Section 214(e) (2) of the Communications Act of 1934, as amended (the "Act") and 47 C.F.R. sections 54.201 - 54.203, the Texas Public Utility Commission (TPUC) has granted eligible telecommunications carrier (ETC) designation to Plateau Telecommunications, Inc. (TX RSA 3 Limited Partnership) (Plateau). The attached *Orders No. 4 and No. 5*, Docket No. 32087, issued on January 13, 2006 and January 24, 2006, respectively, grant Plateau ETC designation for the study areas of E.N.M.R. Telephone Cooperative, Five Area Telephone Cooperative, Inc. and West Plains Telecommunications, Inc.

No. of Copies rec'd 0
List ABCDE



Printed on recycled paper

An Equal Opportunity Employer

If you require any additional information please call Rick Talbot at (512)-936-7257.

Sincerely,

A handwritten signature in black ink that reads "Rick Talbot". The signature is written in a cursive style with a large, stylized "T" at the end.

Rick Talbot – Policy Analyst
Communication Industry Oversight Division - Texas Public Utility Commission

cc: attachments

PATUSF\32087-Plateau ETC\32087_Plateau_ETC_FCC_USAC_letter.doc

DOCKET NO. 32087

APPLICATION OF PLATEAU
TELECOMMUNICATIONS, INC. (TX RSA
3 LIMITED PARTNERSHIP) FOR
DESIGNATION AS AN ELIGIBLE
TELECOMMUNICATIONS CARRIER

§
§
§
§
§

2005 JAN 13
PUBLIC UTILITY COMMISSION
OF TEXAS

**ORDER NO. 4
NOTICE OF APPROVAL FOR DESIGNATION AS
AN ELIGIBLE TELECOMMUNICATIONS CARRIER (ETC)**

Procedural History

On November 30, 2005, Plateau Telecommunications, Inc. (TX RSA 3 Limited Partnership) (Plateau) filed an application for designation as an eligible telecommunications carrier (ETC) pursuant to 47 U.S.C. § 214(e) and P.U.C. SUBST. R. 26.418. On December 30, 2005, Plateau filed a supplement to its application. Plateau is seeking ETC designation in the rural study areas of the following rate centers: East Glenrio, Farwell, Pleasant Hill, Bula, Lariat, Lazbuddie, Lehman, Maple, Needmore, Bovina, Friona, Earth, Muleshoe, Olton, Springlake, and Sudan as identified in Attachment C to its application.

The Commission issued Order No. 1 in this proceeding which established a procedural schedule, including deadlines for comment, and motions to intervene. The Commission published notice in the *Texas Register* on December 16, 2005. The Applicant provided a copy of the application to the Office of Public Utility Counsel at the time of filing. Pursuant to P.U.C. SUBST. R. 26.418(g)(2)(A)(i), the effective date shall be no earlier than 30 days after the filing date of the application or 30 days after notice is completed, whichever is later. Therefore, the earliest effective date for this proceeding is January 16, 2006.

No objection, comment, or motions to intervene were filed, and no hearing was requested. P.U.C. SUBST. R. 26.418(g)(2)(A) provides that applications for ETC designation may be reviewed administratively.

On January 9, 2006, Commission Staff (Staff) filed a recommendation for approval of ETC status for Plateau based on the following:

Designation as Eligible Telecommunications Carrier

To qualify for ETC status, a carrier must meet four conditions:¹

1. The carrier must be a common carrier, as that term is defined by the Federal Telecommunications Act of 1996 (FTA '96), Section 3(10).
2. The carrier must offer the following services (requisite services),² using its own facilities or a combination of its own facilities and the resale of another carrier's services:³
 - (a) voice grade access to the public switched network;
 - (b) local usage;
 - (c) dual tone multi frequency signaling or its functional equivalent;
 - (d) single party service or its functional equivalent;
 - (e) access to emergency services, including such services as 911 or enhanced 911;
 - (f) access to operator services;
 - (g) access to interexchange service;
 - (h) access to directory assistance; and
 - (i) toll limitation for qualifying low income customers.⁴
3. The carrier must advertise the availability of and charges for the requisite services in a media of general distribution.⁵
4. The carrier must provide Lifeline and Link Up support, and may not collect a deposit from a customer receiving such support if the customer also elects toll blocking.⁶

¹ 47 C.F.R. § 54.201(b)-(d) (2001).

² 47 C.F.R. § 54.101 (2001).

³ 47 C.F.R. § 54.201 (2001).

⁴ Pursuant to FTA § 54.400(d), the FCC defines "toll limitation" as either toll blocking or toll control for eligible telecommunications carriers that are incapable of providing both service.

⁵ *Id.*

⁶ 47 C.F.R. § 54.405 (2001).

Plateau meets all of the above criteria. Plateau will advertise the designated services and their rates through notices using media of general distribution. Plateau provides the required services through a combination of its own facilities throughout its service areas, and either its own facilities or other arrangements in the area of Deaf Smith County that is outside Eastern New Mexico Rural Telephone Cooperative's current service area. However, Plateau reserves the right to provide the required services through a combination of its own facilities and resale of another carrier's services when necessary. Although Plateau did not provide a proposed Lifeline and Link Up tariff in its application, it has made the commitment to offer Lifeline and Link Up support.

Plateau has not requested any waivers of the FCC requirements. Plateau does not offer toll control, but on December 30, 1997, the FCC clarified its Order regarding "toll limitation" to require a carrier to offer only one form either toll blocking or toll limitation, for designation as an ETC. The Commission has recognized the FCC's clarification. Plateau offers toll blocking and therefore meets this criterion.

Plateau has provided a map of its service area and a list of its service area rate centers and has committed itself to serve any customer within its area and to abide by the FCC's regulations regarding E-911 service. Plateau has implemented Phase I E-911 in all of its Texas markets. When requested by a Public Safety Answering Point, Plateau will be required to offer Phase II E-911 service. Finally, Plateau's application and supplemental filing addressed the Commission's request for competitive carriers entering rural areas to provide service that enhances or exceeds existing telecommunications service. Plateau stated its intention to provide substantial network investment for the purpose of providing improved signal quality and improved system reliability in all of its service areas, and service to all requesting customers upon its designation.


Staff stated that Plateau's application is in the public interest.

Ordering Paragraph

In accordance with Staff's recommendation and for all the reasons stated therein, pursuant to the FTA § 214(e)(2) and P.U.C. SUBST. R. 26.418, Plateau's application for ETC designation is **APPROVED** effective January 16, 2006. Plateau is granted ETC status for the rural study areas of the following rate centers: East Glenrio, Farwell, Pleasant Hill, Bula, Lariat, Lazbuddie, Lehman, Maple, Needmore, Bovina, Friona, Earth, Muleshoe, Olton, Springlake and Sudan as identified in Attachment C to its application. Applicant is required to file a tariff to implement Lifeline Service and Link Up Service or revise its existing tariff in compliance with P.U.C. SUBST. R. 26.412 and applicable law.

SIGNED AT AUSTIN, TEXAS the 13th day of January 2006.

PUBLIC UTILITY COMMISSION OF TEXAS


IRENE MONTELONGO
ADMINISTRATIVE LAW JUDGE

DOCKET NO. 32087

**APPLICATION OF PLATEAU
TELECOMMUNICATIONS, INC. (TX RSA
3 LIMITED PARTNERSHIP) FOR
DESIGNATION AS AN ELIGIBLE
TELECOMMUNICATIONS CARRIER**

§
§
§
§
§

**PUBLIC UTILITY COMMISSION
OF TEXAS**

RECEIVED
JAN 24 AM 11:03
PUBLIC UTILITY COMMISSION

**ORDER NO. 5
AMENDMENT TO NOTICE OF APPROVAL FOR DESIGNATION AS
AN ELIGIBLE TELECOMMUNICATIONS CARRIER (ETC)**

On November 30, 2005, Plateau Telecommunications, Inc. (TX RSA 3 Limited Partnership) (Plateau) filed an application for designation as an eligible telecommunications carrier (ETC) pursuant to 47 U.S.C. § 214(e) and P.U.C. SUBST. R. 26.418 in the rural study areas of the following rate centers: East Glenrio, Farwell, Pleasant Hill, Bula, Lariat, Lazbuddie, Lehman, Maple, Needmore, Bovina, Friona, Earth, Muleshoe, Olton, Springlake, and Sudan.

On January 9, 2006, Commission Staff (Staff) filed its recommendation to grant Plateau designation as an ETC. However, Staff was soon thereafter informed by a representative of Plateau that there was an error in its application. The application mistakenly asserted that the incumbent local exchange carrier (ILEC) that serves the Bovina and Friona rate centers is W.T. Service, Inc., whereas Valor Telecommunications of Texas, LP (Valor) is the actual serving ILEC. In addition, the application omitted the Bellview exchange, whose serving ILEC is Eastern New Mexico Rural Telephone Cooperative (Plateau's parent company).

Because Plateau indicated that the error was of material significance, Staff filed, on January 13, 2006, a request to withhold its final recommendation until Plateau either withdrew or amended its application accordingly. Staff further requested that the procedural deadlines be extended until January 20, 2006, as the administrative review/effective date. However, the Commission issued Order No. 4 approving Plateau's request for designation as an ETC on January 13, 2006, having not been aware of Staff's request to withhold its final recommendation.


On January 17, 2006, Plateau filed a correction to its application¹ that removes the Bovina and Friona rate centers from its list of study areas for which it seeks ETC designation, and adds the Bellview exchange to its list of study areas for which it seeks designation.

On January 20, 2006, Staff filed a recommendation stating that it has reviewed the two proposed modifications to the application determining that the application, as amended, conforms to the requirements discussed in its final recommendation of January 9, 2006. Staff requested to withdraw its pleading to withhold its final recommendation regarding Plateau's application for ETC designation. Staff recommended Plateau be allowed to amend their application in accordance with the Correction to Original Application filed on January 17, 2006, and retain their ETC designation granted pursuant to Order No. 4 in this docket.

Based on Staff's recommendation, the Notice of Approval is amended to reflect the removal of the Bovina and Friona rate center from the list of study areas for which Plateau seeks ETC designation, and adds the Bellview exchange to its list of study areas for which it seeks designation. Plateau shall retain their ETC designation granted pursuant to Order No. 4 in this docket.

SIGNED AT AUSTIN, TEXAS the 24th day of January 2006.

PUBLIC UTILITY COMMISSION OF TEXAS


IRENE MONTELONGO
ADMINISTRATIVE LAW JUDGE

q:\cadm\doCKET management\telephone\etp & etc\32xxx\32087-5.doc

¹ Correction to Original Application